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method of producing a polypeptide by culturing said host cell, classified in class 435, subclass 69.1.

III. Claims 13-14, drawn to antibody which selectively binds to a polypeptide classified in class 530, subclass 389.1.

In response to the Requirement for Restriction Election, Applicants elect Group II, claims 4-12, drawn to an isolated nucleic acid molecule, a vector comprising said nucleic acid, a host cell comprising said nucleic acid molecule and a method of producing a polypeptide by culturing said host cell, and elect species SEQ ID NO:2, with traverse. Applicants group and species election read on claims 4, 5 and 8-12. Claims 1-3, 6, 7, and 13-17 are withdrawn from consideration in this case; however, Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Further, “[T]he Commissioner has partially waived the requirements of 37 C.F.R. 1.141 and will permit a reasonable number of such nucleotide sequences to be claimed in a single application. Under this policy . . . up to 10 independent and distinct nucleotide sequences will be examined in a single application without restriction.” M.P.E.P. §2431. Moreover, in the instant case, SEQ ID NO:1 encodes the amino acid sequence of SEQ ID NO:2. “Nucleotide sequences encoding the same protein are not considered to be independent and distinct and will continue to be examined together.” M.P.E.P. §2431. Applicants submit that species SEQ ID NOs:1 and 2 are patentably indistinct.

Applicants: Presnell et al.

Serial No.: 09/912,157

Filed: July 24, 2001

For: HUMAN CYTOKINE RECEPTOR

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Early reconsideration and allowance of the pending claims under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6540.

Respectfully Submitted,



Brian J. Walsh  
Registration No. 45,543

Enclosures:

- Preliminary Amendment
- Petition and Fee for Extension of Time (in duplicate)
- Amendment Fee Transmittal (in duplicate)
- Power of Attorney
- Postcard